

Chairperson

Carol Vittorioso Vice Chairperson

Office of The Planning Board City of Leominster, Massachusetts

City Hall 25 West Street Leominster, MA 01453

Phone: 978-962-3543 http:/www.leominster-ma.gov

MEETING MINUTES PLANNING BOARD MEETING October 3, 2022 @ 6:30 P.M.

MEMBERS PRESENT MEMBERS EXCUSED **STAFF PRESENT**

John Souza, Chairman

Thomas Carignan

Elizabeth Wood Director

Carol Vittorioso

Pat Perla

Sal Ciccone

Dean Valliere

Paul Weizer

Jason Pare

Notes:

Mr. Souza presided as the Chairman for this 10/3/22 meeting.

Scribe for this 10/3/22 Planning Board Meeting: Elizabeth Wood, Planning & Development Director

All members were present in-person.

Mr. Souza called the meeting to order at 6:30 pm.

SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS

6:30 Continued Open Public Meeting for Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant

Mr. Souza asked if there was a representative from Starbucks Restaurant.



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Mr. Souza asked a second time if there was a representative from Starbucks Restaurant.

Mr. Souza asked a third time if there was a representative from Starbucks Restaurant.

Mr. Souza stated there is no new information.

Ms. Wood stated that she heard from the applicant at the end last week. The applicant said they were consulting with their client and would bet back to me. I haven't heard back.

Mr. Souza stated that as far as he's concerned, we've had serious concerns about traffic. Our peer review of the traffic was almost opposite to what they had. We had a lot of issues. Geronimo Properties had a lot of issues with what they had. Evidently, they can't correct them because they can't come to the hearing. It's my opinion at this point that we should close the hearing. If they want to resubmit, they could resubmit.

Mr. Pare made a motion to close the hearing. Mr. Ciccone Seconded it. Mr. Souza called for the vote. The motion passed 6-0.

6:31 Continued Public Information Meeting for Site Plan Application for 670 Central Street, Map 582, Parcels 18 & 19, Trucking Transportation Building

Chris Anderson of Hannigan Engineering is representing the project.

6:32 Continued Public Hearing for Special Permit Application for 670 Central Street, Map 582, Parcels 18 & 19, Trucking Transportation Building

Chris Anderson of Hannigan Engineering is representing the project.

Mr. Anderson introduced himself. He stated this project came before the Board a few weeks ago. He provided an overview of the project referencing a plan that he brought for display.

He noted that the property is split zoned Residential B and Commercial. All of the commercial functions of the site are located within the Commercial District. The only work being performed in the residentially zoned area is an infiltration basin. It's a very innocuous use in the Residential District. We will provide additional evergreen shrubbery along the



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outside of the fence for additional visual impairment. That's pretty much the gist of the project. If there are questions from the Board, I'll be happy to answer them.

Mr. Souza asked about the side, marked in dark green, would remain untouched.

Mr. Anderson stated that it would remain as existing woodlands. At the narrowest points there is an opening that goes between the adjacent properties.

Mr. Souza confirmed there is an opening.

Mr. Anderson said yes, there is a clearing.

Bill Hannigan introduced himself for the record. Mr. Hannigan stated that the front piece is owned by the Burns family. They have a house and have used the field for years. And then from there the parents are deceased and the family sold off the house and sold off the land.

Mr. Souza asked what they had for the storage of vehicles.

Mr. Anderson stated there is a small area for the storage of company vehicles located on the lower portion.

Mr. Souza asked about paved surfaces.

Mr. Anderson stated it would be regrind pavement. Mr. Anderson stated that the calculation for drainage was based on full pavement. He clarified where on the plan would be paved and where would be regrind.

Mr. Souza stated that no storage of vehicles although there will be some storage of vehicles?

Mr. Anderson stated that with the exception of a worst-case scenario where the vehicle that's transporting the vehicles is unable to unload the product, then we come back but it would only be for one night or over the weekend. It would be the worst-case scenario, but it's not the intent to store vehicles on this property.

Mr. Souza stated that if you do decide to store vehicles on the property there is an ordinance coming down the pipes that regulates that.

Mr. Pare asked if there were changes to the plans from when the Board last met.



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Mr. Anderson stated that there was a snafu with the timing of us getting the resubmittals back to the Board at the last meeting. So, we continued based on that.

Mr. Weizer asked if there was an objection from the Licensing Commission.

Mr. Souza stated we had a letter from the Licensing Commission, but their objections were based upon the assumption that there was a storage of vehicles. The distances that we have here are considerable. If the building was right up against the homes on the right-hand side, then I would say we have an issue. But with the building up front, I personally don't see an issue.

Ms. Vittorioso asked if anything was before the Licensing Commission.

Mr. Souza stated, not that I know of.

Ms. Wood stated that she routed the application to the Licensing Commission for comment.

Mr. Souza stated that he completed a site walk. It looks like a decent site for what is proposed.

Mr. Souza asked the Board if there were any further questions.

Mr. Souza asked if there were any questions from the audience.

Mr. Souza asked a second time if there were any questions from the audience.

Mr. Weizer made a motion to close the hearing. Seconded by Ms. Vittorioso. Mr. Souza called for the vote. The motion passed 6-0.

6:40 Public Information Meeting for Site Plan Application for Research Drive, Map 503, Parcel 3-12, Lot 10, Warehouse

Mr. Chris Anderson of Hannigan Engineering, Inc. was present to represent the project on behalf of Lockwood Realty, LLC. Mr. Anderson stated that the property is currently vacant. He pointed to the map to orient the Board to the Site, located off of Research Drive.



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Mr. Anderson stated that the proposal intends to construct a warehouse with office space. A 24' paved driveway will be constructed on the location of the former Technology Drive. Mr. Anderson overviewed the parking plan and described the drainage plan. Sewer and water will tie into the existing systems. Landscaping is per ordinance. Mr. Anderson stated that we did receive comments from the various Departments but that he has not yet had an opportunity to address them.

Mr. Souza stated that they should go through the comments.

Ms. Vittorioso stated there was a comment from the DPW.

Mr. Anderson stated that the DPW has a comment relative to the test pits within the basins. Those haven't been complete yet, but this project does have to go in front of DPW for a Stormwater permit. So we can address that comment at that part in the process, which usually occurs after the Planning Board Process.

Ms. Wood asked if the Board wanted to go over the comments she had.

Mr. Anderson mentioned comments from the Fire Department relative to accessibility. The building must also be sprinklered which will be reviewed prior to occupancy of the Building.

Mr. Anderson stated that the Health Department had a question regarding the Dumpster on Site. There will be a fully enclosed dumpster. Mr. Anderson pointed out the location of the dumpster on the plan.

Mr. Anderson stated that there was a comment from the Planning Director regarding the lighting. Mr. Anderson stated they would meet the requirements of the ordinance. No lights will be shining on the abutting properties.

Mr. Souza stated we direct this to the lighting inspector.

Ms. Wood stated we don't have a lighting inspector.

Mr. Anderson stated there will not be excessive noise on the sight.

Mr. Anderson stated that Conservation recommended that landscaping be of native species.



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Mr. Anderson stated that we have several deciduous trees and those have been classified as native.

Mr. Souza asked about the landscaping plan.

Mr. Anderson stated that a waiver was requested from the requirement that a landscape architect design the landscaping plan.

Mr. Anderson stated that due to the volatility of landscaping, it is difficult to detail which species of trees will be used.

Mr. Souza stated we can waive the requirement for a landscape architect, but we aren't going to waiver a landscape plan.

Mr. Bill Hannigan, Hannigan Engineering, Inc. asked if trees are shown on the plan.

Mr. Anderson said yes. Locations of the trees are designated on the plan. Species are not.

Mr. Souza stated that as long as it's on here. At the point before you get occupancy, there will be a review of the site to ensure that landscaping is installed. Mr. Souza explained the performance guarantee for Site Plan Process.

Mr. Ciccone stated that he recalls a traffic study being done at the beginning of the project. Mr. Ciccone asked if a traffic study had been conducted on the full build out.

Mr. Hannigan stated, that's why I am here. To explain this. Back when the project was in review, we went to NEPA. At the time there was a lot of anticipated office space within the park and those were the numbers that we brought in. Part of the NEPA requirement was that we provide counts on a periodic basis and that when those counts triggered a certain volume heading from Research Drive to the intersection, we did a warrant analysis to determine whether we needed a signal at that light. The first time that this came up was when the R & B was built, and we had to ask MASS DOT for a waiver from that because we had no baseline count to work with. They granted us that and we then built the R & B. Since that time, we have had Process Cooling approved and constructed. We've had Continental Stone approved and under construction. We have Giraud Tool approved and now under construction. We have Northeast Glass approved but not under construction yet. All the work that was to be done relative to the traffic counts have been done post the R & B. But is all during the time period we were under Covid. And MASS DOT wouldn't



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allow traffic counts to be taken because they felt that they be skewed. That literally got lifted about a month or two ago. And we had already lined things up with our traffic consultant Greg Peterson to do traffic counts and they are scheduled for Thursday. So we already doing the traffic count information that we need for the park. Doing a traffic study for this one particular site doesn't really make any sense because of the fact it's more than just this site at the intersection. So, we are going to do the traffic counts and then we will do a quick warrant analysis to see where we are. And then we will see what we are going to do relative to any traffic mitigation. But we be able to do that, we will come up with an updated study we've got a couple of things. One, is the size and scope of the project because we've cut off that back piece of land. We've eliminated the secondary roadway off Willard Street and that had to be reconsidered. The previous reports looked at the lights at both Willard Street and Central Street which are no longer impacted by this. So, we are really just looking at the intersection at our front entrance. The other things that have happened is the make-up of the park originally intended has not gone the way that it was originally thought it would go. We thought it would be much more demanding office space a lot has gone back to manufacturing and warehouse. All of things are being considered with a new review. Once the new review is done, we have to send it off to MASSDOT. We'll provide the planner with a copy. We actually just did the same exact thing with Brooks Pond. That review was done with MASSDOT as well. From a traffic perspective we are already working on it. I understand that the Police commented on this, but they may not have the history that I just gave.

Mr. Souza asked if we had any questions on that.

There were none.

Mr. Hannigan stated that we have some housekeeping to do. I think it's relatively minor stuff that we can do with a follow-up with the Planner. We ask for your consideration on this with the way financing is going up as fast as the way it is. We'd really like to try to get the approval tonight if possible, without waiting for another meeting.

Mr. Souza stated that if you have a NEPA review, it will be directed to us anyway. I'm looking at this project as a whole. This project and its traffic will be included in the NEPA review.

Mr. Souza asked if anyone else had anything to add. Was that all the comments?



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Mr. Anderson stated, yes, with the exception of the Planning Director's. I think the only one that was an outlier was the setback off of the residential district. The residential property that the project abuts is vacant.

Mr. Souza said, yes, but that could build out.

Mr. Anderson clarified that the residential area was in Leominster, not another town. 50' set back from a residential district may be required.

Mr. Ciccone stated knowing that is a sensitive area, knowing that we could say you may have to put a 50' buffer there, you might want to limit what happens on that back edge of the property.

Mr. Souza asked what would impair you form making that a larger buffer.

Mr. Anderson said just the storage space. The client has a lot of large tanks and needs as much room as possible to store them on sight.

Mr. Ciccone when they put the tanks out, it makes noise, right? I'm just throwing stuff out there. So it makes noise. It's in a Residence A District. I know it's vacant now, but if it isn't a vacant lot that could be kinda problematic. I'm just wondering if there is something that can be there to kind of guide you guys against any of that happening. It makes noise, especially at 7:00/8:00 in the morning.

Mr. Souza stated that at this point, I'd like to see the buffer.

Mr. Weizer stated, You're worried about people who aren't there yet.

Ms. Vittorioso stated, first come first serve. You're giving them a gift.

Mr. Souza stated it is Residential A. A Residential A development could be relatively close. I think a 40' buffer is insufficient. Maybe not 50, but I'd like to see an increase on that.

Mr. Patrick McCarty, of McCarty Company, stated his name for the record. He stated they would be the site work contractor and builder for the development. I understand where you are coming from. I agree with some of the members of the Board that if there is no drama there, then as Ms. Vittorioso said, you are granting a gift to someone who isn't here yet. I'd also like you to consider that those houses are on Willard Street and the grade goes



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up pretty substantially from Willard to there. So, if you notice the houses on Willard street that have been built recently are way down at Willard Street because of the site development cost.

Mr. Hannigan stated, there's also no sewer up there.

Mr. McCarty, stated, There's also now sewer up there so they would have to put septic in. Also consider the cost premium of Industrial land in Leominster. There's not anything left. And so the land that is available, the applicants, such as LRT, are paying a premium for that land and so therefore, they want to use as much of it as possible. They are a Leominster business. They've been in business since 2011. They employee 28 employees. I think all of us have driven by their current location on Crawford Street. And have seen they have clearly outgrown where they are at. They have a 9,000 sq. ft. building now.

Mr. Souza asked, where are they are located now?

Mr. McCarty said, Crawford Street. As you make the bend, it was Bluewater. They are in Leominster; they are staying in Leominster. I would echo Mr. Hannigan's comment about respectfully requesting an approval this evening with conditions. Once the Planning Board approval is in hand, they can schedule a closing.

Mr. Hannigan stated I think we you can make a condition that the 20' be maintained as a buffer.

Mr. Souza stated he'd like to increase the trees.

Mr. McCarty stated that on the other side of the line is trees. We'd be planting trees to screen trees.

Mr. Anderson pointed out a berm on the property.

Ms. Vittorioso stated that she knows its semantics, but she read, where Industrial use abuts Residential, a buffer of 50' may be required.

Mr. Souza asked if we have anything else. Ms. Wood, are we all set?

Ms. Wood mentioned architectural elevations.



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Mr. Anderson presented architectural elevations to the Board on the easel.

Ms. Wood asked if the Board was satisfied with the dumpster screening.

Mr. Souza stated yes.

Mr. Souza asked if there were any other questions from the Board.

Mr. Souza asked if there were any other questions from the audience.

Mr. Weizer made a motion to close the Hearing. Ms. Vittorioso seconded. Mr. Souza called for the vote. The vote passed 6-0.

REGULAR MEETING

1.0 CALL TO ORDER

Ms. Wood read the roll: Patrick Perla, Excused; Paul Weizer, Mr. Weizer said here; Sal Ciccone, Mr. Ciccone stated here; Carol Vittorioso, Ms. Vittorioso stated, here; Jason Pare, Mr. Pare stated here; Thomas Carignan, excused; Dean Valliere, Mr. Valliere stated, here; John Souza, Mr. Souza stated here.

2.0 MINUTES OF PREVIOUS MEETING

2.1 August 22, 2022

Mr. Souza asked if there were any deletions. Hearing none, he called for a motion.

Mr. Pare made a motion to accept the minutes. Mr. Weizer seconded. Mr. Souza called for the vote. The motion passed 6-0.

3.0 PLANS SUBMITTED

3.1 None

4.0 OLD BUSINESS

4.1 Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant

Mr. Souza stated that as far as I'm concerned, they didn't show up tonight. We've had a lot of problems with traffic as the peer review substantiated our concerns. So, at this point I would entertain a motion to allow them to withdraw without prejudice.



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Mr. Weizer made a motion to deny the application. Mr. Ciccone seconded it. Mr. Souza called for the vote. The motion carried 6-0.

4.2 Site Plan Application for 670 Central Street, Map 582, Parcels 18 & 19, Trucking Transportation Building

Mr. Ciccone made a motion to accept the waiver request from Section 22-62.3.1 pertaining to the requirement for a landscape architect. Mr. Weizer seconded it. Mr. Souza called for a vote. The motion carried 6-0.

Mr. Pare made a motion to accept the waiver request from Section 22-63.1.4.3.1 pertaining to sidewalks. Seconded by Mr. Weizer. Mr. Souza called for a vote. The motion carried 6-0.

Mr. Weizer made a motion that the Site Plan be approved with the condition that all outstanding department head comments be addressed. Mr. Ciccone seconded it. Mr. Souza called for a vote. The motion carried 6-0.

4.3 Special Permit Application for 670 Central Street, Map 582, Parcels 18 & 19, Trucking Transportation Building

Mr. Weizer made a motion that the Special Permit Application be approved with the condition that all outstanding department head comments be addressed. Mr. Ciccone seconded it. Mr. Souza called for a vote. The motion carried 6-0.

5.0 NEW BUSINESS

5.1 Site Plan Application for Research Drive, Map 503, Parcel 3-12, Lot 10, Warehouse

Ms. Vittorioso made a motion to accept the waiver request from Section 22-62.3.1 pertaining to the requirement for a landscape architect. Mr. Weizer seconded it. Mr. Souza called for a vote. The motion carried 6-0.

Ms. Vittorioso made a motion that the Site Plan Application be approved with the condition that outstanding department head comments including the Fired Department, Conservation Agent, and DPW be approved. Mr. Weizer seconded it. Mr. Souza called for a vote. The motion carried 6-0.

6.0 **COMMUNICATIONS**

6.1 City Council Petition 9-23: Request to amend the Zoning Ordinance pertaining to lot size requirements for a lot division in the Residential A Zone for lots sized a minimum of 37,780 sq. ft. *Planning Board to Schedule for Public Hearing*



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Mr. Souza explained the proposal. If someone has a minimum lot size of 37,780—could be larger—today that large lot could not be subdivided because you can't get two .5 acres lots out of that. But I went through the Assessor's map and trying to judge lots. There's probably 50-60 lots in the City on existing properties—most of these are in the older sections of the City. By doing this, someone that has a relatively large lot may subdivide it one time with a Special Permit to the Planning Board. That would open up about 50 lots. This would help older couples, if someone wants to retire, they could subdivide their lot and sell the second lot. There's a problem in the City. We are running out of land. Looking at a number of subdivisions like Bridlecross and Saddlebred, and Fog Hill, Holland Woods, Massapoag—are all open space projects. They did the grid of 21,500 sq. ft., but they actually built the houses on 12,500 sq. ft. And if you went to those subdivisions today, there's open space behind them and those subdivisions look pretty nice. They have nice homes, they are around 1,300 or 1,600 sq. ft. homes.

Mr. Ciccone stated go up Pleasant Street, go up Prospect Street. Every lot was 12,500. When you get closer to town, they're even smaller. We changed the regulations to kind of observe some privacy in the residential neighborhoods. We went through a whole series of rezoning on that. You have some arguments on that side too. If you are in Residential A and are in an area where all of the lots are sized 12,000 sq. ft. lots or 12,500 and you can cut out of what you own and make it a 12,500 sq. ft. lot and it's in conjunction with the neighborhood and we control it by a Special Permit, that would probably be a good thing wouldn't it.

Mr. Souza stated I'm not going to the 12,500 sq. ft. I'm going to 16,000 sq. ft. 16,000 sq. ft. would be actually larger than the 12,500 sq. ft. It's still larger than a Residential B. This will be a nice, good size lot.

Mr. Ciccone stated you would keep it in conformance with the neighborhood because there's a Special Permit

Mr. Souza said it opens up some lots in the City. It's not like it's a big development because its going to be here and there. The impact to the schools will not be great because there's a house here and there around the Town.

Mr. Ciccone stated that in Residential A until that ordinance is changed, I'm wondering if some of these people may be grandfathered. But they couldn't be.

Mr. Souza stated No, No. There's no grandfathering because if you have 2 lots, those 2 lots become one. Ok, so this allows you to break up that other lot. They would have to come in with an ANR. That ANR would have to be approved. And then they get their Special Permit.

Ms. Wood stated we are just scheduling it today. We could do November 7th at 6:30.



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Mr. Weizer made a motion to schedule the petition for 6:30pm on 11/7/22. Mr. Pare seconded it. Mr. Souza called for the vote. The motion passed 6-0.

6.2 City Council Petition 10-23: Request to amend Zoning Ordinance pertaining to lot width requirement for lots in the Rural Residential Zone. *Planning Board to Schedule for Public Hearing*

Mr. Souza stated he was thinking about doing this in Residential A right now. Right now our ordinances call for a 120' frontage, but where the house is 130'. You already have to have an acre lot, what it does is create these convoluted lots because they have to have that extra 10' bulge in the middle. I'm trying to find out why that was done, and I can't find anything. It's also in Residential A. Residential A is 80' but 100' where the house is. All we are doing is making the lines straight. This will be scheduled for 6:35 pm on November 7th.

Mr. Weizer made a motion to schedule Petition 10-23 for 6:35pm on 11/7/22. Mr. Ciccone seconded it. Mr. Souza called for the vote. The motion passed. 6-0.

7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for October 3, 2022

Ms. Wood stated she received a letter in the mail today in regard to an old subdivision on Sawyer Way-the Day Street Subdivision. It's from a legal firm representing New England Company and they are basically saying they don't have any funds to maintain the streets this winter. And they are saying there are a few items necessary to finish the road. They want to give a lump sum of \$40,000 to resolve this, after the DPW does an estimate. I don't know the cost of this, but we have \$80,000 in the bond in the treasurer's office.

Ms. Wood asked if we should put this on the Agenda for October 17th and notify them.

Mr. Souza stated we want to hire an engineer. We will use money out of their bond to hire an engineer to find out what it's going to cost to finish the project. I also asked Ms. Wood to send to them the process for road acceptance.

Mr. Souza stated we will get an engineer's report done and then we will submit it to the developer stating what needs to be done. If they don't respond in a certain time, we can proceed to have the work done by the DPW.

Ms. Wood stated she would put this on under communications for October 17th.



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On a different subject, we had 2 zoning amendments after the Zoning Books were printed. One was solar, one was performance guarantees. I contracted with MRPC, and they made the edits. I will have a digital update for you and for the website.

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

9.1 The next meeting is currently scheduled for October 17, 2022, at 6:30 PM, at City Hall in the T.A. Conference Room/2nd Floor. Deadline for Application Submittal for this meeting is October 10, 2022 @ noon.

Mr. Ciccone made a motion to adjourn. Mr. Weizer Seconded. Mr. Souza called for the vote. The motion carried 6-0.